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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/888,200	06/23/2001	Thomas Hogan	VACPAC8	8433

6980 7590 05/07/2004

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ATLANTA, GA 30308-2216

EXAMINER
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MAYNARD, JENNIFER J

ART UNIT	PAPER NUMBER
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3763

DATE MAILED: 05/07/2004

3

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/888,200

Applicant(s)

HOGAN ET AL.

Examiner

Jennifer J Maynard

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 June 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_.

## DETAILED ACTION

### *Drawings*

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the bottle mount for mounting a medicine bottle to the syringe pole must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3-5 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hogan (US 6,264,637 B1) in view of Fish. (US 3,840,007 A), and further in view of Venditty et al. (US 2,928,390 A).

Hogan discloses a marking syringe comprising an automatically loading syringe needle assembly (150); a medicine delivery tube adapter (156, referred to as a vaccine syringe nipple), see Column 9, lines 32-38, adapted for connection to a medicine delivery tube (not shown, referred to as a syringe vaccine hose) which is adapted for connection to a medicine bottle (not

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shown, referred to as a vaccine source); and an ink carriage (134, 144) for carrying an ink source (170), the ink carriage oriented to allow the ink source to discharge ink in a direction proximal to a needle (164) carried by the syringe needle assembly.

Hogan discloses the invention as claimed with the exception of a syringe pole having a length between a first end and a second end; a grip affixed to the first end; the automatically loading syringe needle assembly affixed to the second end of the syringe pole.

Fish discloses a syringe holder comprising a telescopic syringe pole (30, 32) having a length between a first end and a second end; a grip (72) affixed to the first end; a syringe needle assembly (10) affixed to the second end of the syringe pole.

It would have been obvious to one having ordinary skill in the art to have modified Hogan's marking syringe with a telescopic syringe pole as taught by Fish, so as to enable administration of the vaccination at a safe distance from the animal to eliminate danger to the administering party.

Hogan in view of Fish fail to disclose a bottle mount for mounting a medicine bottle to the syringe pole; and a medicine delivery tube having a first tube end and a second tube end, the first tube end adapted for connection to the medicine bottle and the second tube end connected to the syringe needle assembly.

Venditty et al. discloses a multi-dose injector comprising a bottle mount (45) for mounting a medicine bottle (44) to a dispenser (12) via a medicine delivery tube (43) having a first tube end and a second tube end, the first tube end adapted for connection to the medicine bottle and the second tube end connected to the syringe needle assembly, see Column 3, lines 57-62.

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It would have been obvious to one having ordinary skill in the art to have modified Hogan in view of Fish with the bottle mount and delivery tube arrangement as taught by Venditty et al. so as to provide a compact, integral design which eliminates the need for a remotely located bulk source, i.e. medicine bottle, as well as to provide a medicine delivery tube subassembly that may be easily removed for sterilization thus eliminating the need for sterilizing the entire device, see Column 3, line 68 through Column 4, line 5.

Claims 2 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hogan (US 6,264,637 B1) in view of Fish. (US 3,840,007 A), and further in view of Venditty or (Hammer) et al. (US 2,928,390 A) as applied to claims 1, 3-5 and 7 above, and further in view of Wulff (US 3,780,734 A).

Hogan in view of Fish and further in view of Venditty et al. disclose the invention as claimed with the exception of the syringe pole being adjustable.

Wulff discloses a syringe pole (11) wherein the length of the pole is adjustable, see Column 3, lines 57-60.

It would have been obvious to one having ordinary skill in the art to have modified Hogan in view of Fish and further in view of Venditty et al.'s syringe device with an adjustable pole, as taught by Wulff, so that the user could tailor the length of the syringe pole thereby defining the desired distance between the user and the animal prior to administration.

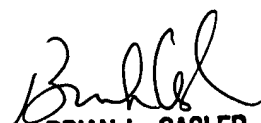
***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jennifer J Maynard whose telephone number is 703.305.1356. The examiner can normally be reached on Mondays-Fridays 9:30 AM-5:30 PM; 1st Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Casler can be reached on 703.308.3552. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

J Maynard



**BRIAN L. CASLER**  
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